



PLANNING COMMISSION SYNOPSIS

Thursday, August 25, 2016

CALL TO ORDER

Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Spiess, Bennett, Snyder, Solberg, Swanson

COMMISSIONERS ABSENT: Batterson, Goodrum

STAFF PRESENT: Pease, Schmidt, O'Day

Chairperson Spiess led the attendees in the reciting of *The Pledge of Allegiance*.

ITEM 1

6:01 p.m.

CASE: PL2016-128

APPLICANT: Patrick Bigelow

LOCATION: 9915 Portland Avenue S

REQUEST: Variances to Increase the opacity from 50 percent to 100 percent, increase fence height from 4 feet to 7 feet 4 inches and increase the posts from 12 inches above the fence to 13 inches

SPEAKING FOR THE APPLICANT:

Pat Bigelow, 9915 Portland Avenue

SPEAKING FROM THE PUBLIC:

Carl Recksiedler, 9920 Portland Avenue

Richard Palbicki, 9923 Portland Avenue

PUBLIC HEARING DISCUSSION:

Pease presented the location of the site and explained the applicant researched and believed the fence was Code compliant and has neighborhood support. After two fence variances were granted in 2015, the City Council directed staff to provide procedures to reduce misunderstanding when residents inquire about fence information. There is a fence handout in several locations, including at the counter and online. If you search the word "fence" on the City website, the handout was made the first link in the search results. Staff sends the fence handout and related information to residents as part of the Gopher One Call request.

The applicant desires variances for a fence with an increased opacity from 50 to 100 percent, increased height from 4 feet to 7 feet 4 inches and increase the post from 12 inches to 13 inches above fence. The approximate fence location is 20 feet from the property line and over 40 feet from the curb along Portland Avenue. The purpose of the fence was to screen possessions. A

site plan displaying locations for a Code compliant fence and a graphic comparing 6 foot fence and the proposed fence was discussed. The applicant believes traffic is a primary issue to support increased height and screening. Traffic on a typical residential street is 300-600 cars per day. A map showing select higher traffic residential streets in Bloomington was displayed. While the traffic is higher than a typical street, it is much lower than many other residential streets in the City.

Staff discussed and was unable to make five of the six required variance findings. Staff believes that the applicant does not have a practical difficulty, and the proposed 7 foot 4 inch fence is not a reasonable request.

Bigelow stated he is requesting variances and has neighborhood support. The process started when he desired to build a shed. He wanted to make improvements that were the least intrusive to the neighbors. After a discussion with the neighbors, he moved the shed to a location where most people may store their recreational vehicles. He had discussed the fence with the neighbors and the outcome was the one he installed. He thought the fence was legal. The posts were installed above the fence for the purpose of constructing a post planter. The lighting makes the posts exceed the allowed 12 inches. His intention was to install a fence that looked nice to the neighborhood.

Solberg asked about the reasoning for the 7 foot 4 inch fence.

Bigelow said the reasoning was for privacy of the boat and camper. A 6 foot fence would provide the same privacy but the lattice makes the fence look nicer. He wanted to fully screen the recreational vehicles from the street and the one foot lattice makes it look nicer.

Carl Recksiedler he lives across the street and likes the fence. He pointed out neighbors on the north and the south have a privacy fences along the street.

Richard Palbicki stated he is the property owner to the south of the applicant and has the most impacting view of the property. He noted the applicant is a great neighbor who has not offended anyone with the fence. He stated Patrick maintains the property very well maintained and it is a very good looking fence. He encouraged permission to allow the fence. The fence does not obstruct sight lines.

The public hearing was closed via a motion.

Solberg asked staff to clarify a Code complying location for a 6 foot fence.

Pease noted City Council adopted the fence ordinance in 2008. There was significant discussion regarding the land area between a structure and street. In that area it was determined a 4 foot tall and 50% opaque would be acceptable. He also explained a fence is taller than 6 feet, the fence must apply principal structure setbacks. There are many fences that are legally non-conforming.

Swanson noted a 4 foot tall and 50% opaque fence would not screen the boat and camper. Although, he does not want to set a precedent for a 7 foot 4 inch tall fence. The fence is able to

be modified and would require work from the homeowner which is unfortunate, while keeping the lattice. He does support screening boats and trailers in yards.

Bennett thanked the applicant for working with and providing neighborhood support and understood the need for privacy. She does have an issue for the 7 foot 4 inch fence as it sets a precedent, but would support a 6 foot fence.

Pease stated the applicant has concerns with timing as winter approaches and prefers not to delay the application. If the Commission is comfortable with the 6 foot fence, they could make a motion to deny the request then forward to City Council a statement that if the Council agrees, recommend support for a 6 foot fence.

Spiess asked about language of the motion.

Pease said proceed with the motion and make a statement at the end.

Solberg asked about the sizing of the planters that are mounted on the posts.

Bigelow said it is possible to cut the post to below 12 inches.

Spiess noted the item moves to City Council on September 12, 2016.

ACTIONS OF THE COMMISSION:

M/Solberg, S/Snyder: To close the public hearing. Motion carried 5-0.

M/Bennett, S/Snyder: In Case PL2016-128, being unable to make the required findings, I move to recommend denial of three variances to increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches and the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches and to increase the opacity from 50 percent to 100 percent at 9915 Portland Avenue South and make a recommendation to City Council to allow a six foot fence in a side yard adjacent to street with full opacity. Motion carried 4-1. Solberg opposing.